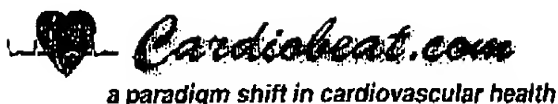


**INVENTOR: McBride et al**  
**TITLE: MEDICAL TESTING AND METHOD**

**attorney docket: CARIOBEAT-1**

**EXHIBIT 7**

5



George McBride  
[gmcbride@cardiobeat.com](mailto:gmcbride@cardiobeat.com)  
(480) 419-3957  
17350 North Hartford Drive  
Scottsdale, AZ 86255

December 22, 1999

**Overview of software development status for the CARDIO-TRACK phase one product deliverable**

Server CARDIO-TRACK data reduction and analysis module code

WEB data transfer application

Client application

User friendly tools

Help

AVI Videos (Sent with startup CD)

Checks for misplaced sensors

Checks for correct waveforms

Click once to start test

Press space bar or mouse to halt or suspend test

Automatic Transmission from the host server to client

Update Client application software (real time)

Data movement

Transmission to the host server from the client

Data movement

Server processing

Processes data

Create reports

Routing to client & physicians

E-Mail Reports

Emergency calls

Database

Storage of Client data

Communications between parties (patient and physician)

Customer service module

**Patrick Smith – Data Base Administration**

The Oracle decision - what are the alternatives and why Oracle

Scalability

Web Interface capabilities

Hardware Options

**Brett Scott – Microsoft Visual Basic / Web Coding**

The Microsoft environment

Moving protected Data

The User Interface

**Bob Gubser – Sensor Manufacturing**

Describe PRA

Review Cardiobeat memo on sensor engineering and manufacturing

Discuss early steps to produce prototype



**Cardiobeat.com**

*a paradigm shift in cardiovascular health*

George McBride  
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## Cardiobeat.com Software Status Review 22 December 1999

**Bob Royce**

- Overview of software environment
- CARDIO-TRACK test
- User friendly tools
  - Help
  - Videos
  - Checks for misplaced sensors
- Transmission from the host server to client
  - Application software
  - Data movement
- Transmission to the host server from the client
  - Data movement
  - Routing to physicians
- Server processing
- Database
- Communications between parties (patient and physician)
- Customer service module
- CARDIO-TRACK test code
  - Calculations
  - Reporting
  - Data transfers

**Patrick Smith – Data Base Administration**

- The Oracle decision - what are the alternatives and why Oracle
- Scalability
- Web Interface capabilities
- Hardware Options

**Brett Scott – Microsoft / Web Coding**

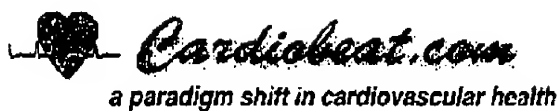
- The Microsoft environment
- Moving protected Data
- The User Interface

**Bob Gubser – Sensor Manufacturing**

- Describe PRA
- Review Cardiobeat memo on sensor engineering and manufacturing
- Discuss early steps to produce prototype
- Characterize the prototype

**Items for the future**

- Help Support
- "Use" Video's
- Customer Support Modules
- Volume test storage subsystem



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Characterize the prototype  
Items for the future  
Help Support  
"Use" Video's  
Customer Support Modules  
Volume test storage subsystem

Attorney's Docket No: earthbeat-1  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

George McBride, et al

Filed: 03/27/2000

Title: Medical Testing System and Method

Serial No.: 09/535,186

EXAMINER, PAUL L. KIM

Art Unit 2857

**DECLARATION UNDER 37 C.F.R. 1.131**

By

**ROBERT ROYCE**

I, ROBERT ROYCE hereby declare as follows:

1. My address is 2427 Huber, Mesa, AZ 85213
2. At least as early as July 9, 1999, George McBride and I conceived the invention that is the subject of the above-identified patent application. Evidence of this conception is an emailed executive summary of the project dated July 09, 1999, a redacted copy of which is attached as Exhibit 1.
3. Subsequent to the conception of the invention George McBride and I were diligent in reducing the invention to practice as evidenced by a continuous development activity pertaining to the reduction to practice of the invention up to and beyond the filing date of the above-identified patent application. At no time from the date of conception of the invention through the filing date of the above-identified application did the development activity cease.
4. Subsequent to July 9, 1999, a new corporate entity was formed, Cardiobear.com, develop and market the invention. I reviewed and provided input to George McBride in the preparation of a development plan for the invention, one version of which was sent by email to me by George McBride and which is attached hereto as Exhibit 2.
5. Subsequent to at least as early as July 9, 1999 I contacted engineering firms to contract with them to assist in reducing the invention to practice. As a result of this activity, proposed design approaches to implementing aspect of the invention was received by me from Warren Williamson in an email dated August 17, 1999. A copy of the email as forwarded to George McBride is attached as Exhibit 3.
6. Subsequent to at least as early as August 17, 2002 I worked substantially continuously and full time in reducing the concept to practice as an employee/owner of Cardiobear.com

INVENTOR: McBride et al  
TITLE: MEDICAL TESTING AND METHOD

attorney docket: CARDIOBEAT-1

7. At frequent times throughout the development activity of the invention, George McBride and I consulted with Dr. James Buell, regarding medical applications and impedance cardiography which is used in the illustrative embodiment of the invention. One email communication that I received from Dr. Buell is attached hereto as Exhibit 4 dated 9/18/1999.

8. At all times subsequent to the conception of the invention, both George McBride and I continued to work on the reduction to practice of the invention including development of software. As part of my full time activities in reducing the concept to practice, I prepared a status report that I sent to George McBride by email dated October 15, 1999, attached as Exhibit 5, that discusses the development of aspects of the invention and includes an attached flow chart. The flow chart indicates that a portion of the database activity that is part of the reduction to practice of the invention is "about 1/2 done at this time".

9. On December 22, 1999, a meeting was held to review the development status of the invention. A copy of the overview of that development status is attached as Exhibit 6. I participated in that meeting and reported on activities indicated in the attached overview.

10. From December 23, 1999 through March 27, 2000, I along with George McBride had several meetings with patent attorney Donald J. Lenkszus to disclose our invention and the illustrative embodiment development with him so that he could prepare and file patent applications on the subject invention and related inventions.

11. Warren Williamson of W.L. Williamson & Associates provided engineering services throughout this stage of the development activities. Mr. Williamson provided a quotation for engineering services in a letter to me dated January 7, 2000, attached as Exhibit 7, as a result of earlier conversations that I had with him relative to providing engineering services relative to implementation of the invention at the direction of myself and George McBride. The quotation was accepted and Mr. Williamson provided engineering services for this aspect of the project beginning in January 2000.

11. Mr. Williamson provided engineering services as indicated by a report on Timing of Test Waveforms dated 2/1/00 attached as Exhibit 8; a communication, attached as Exhibit 9, regarding communications protocol dated 2/21/00 as revision 1 to an original dated 2/9/00; a document titled "Cardiobeat data contents" dated 2/28/2000, attached as Exhibit 10; and an invoice for services dated March 6, 2000, attached as Exhibit 11.

12. All the attached documents are true copies of original documents.

13. Throughout the period from conception of the invention through the filing date of the above-identified patent application, George McBride and I continuously and diligently worked on reducing the invention to practice either through our direct personal efforts and/or through direction of others in implementing various aspects of the product embodying the invention. I worked substantially full-time on reducing the invention to practice from at least as early as August 17, 1999 through the date on which the above-identified patent application was filed.

Donald J Lenkszus, P.C.

480-575-1321

08/16/02 05:20P P.050

8-16-2002 4:47AM

FROM ROYCE DESIGNS INC 480 835 6559

P.3

Donald J Lenkszus, P.C.

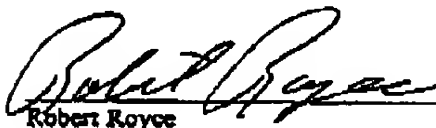
480-575-1321

08/16/02 05:38P P.004

INVENTOR: McBride et al  
TITLE: MEDICAL TESTING AND METHOD

attorney docket: CARDIOBEAT-1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Robert Royce

Date: August 16, 2002